

REMARKS

Applicant respectfully requests reopening prosecution in response to the Board decision dated August 7, 2009. This response is believed to fully address all issues raised in the Decision by the Board. Furthermore, no new matter is believed to have been introduced hereby.

Claims 2-3 and 5-25 were under appeal. Claim 15 has been canceled without prejudice or disclaimer. Accordingly, claims 2-3, 5-14, and 16-25 remain pending as amended above.

Rejection of claims 2-3, 5-14, and 16-25 are maintained under 35 USC §103 as detailed in the Decision.

Rejection of claim 15 under 35 USC §103(a) are reversed.

A new ground for rejection of claim 15 under 35 USC §112 is raised by the Board. In particular, the Board states:

We reject claim 15 under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 15 depends from independent claim 12. Claim 15 recites “the IDE (integrated drive electronics) data transfer,” which lacks proper antecedent basis in the claims.

As detailed above, claim 12 has been amended to include the allowable recitation of claim 15 (with the correction requested by the Board Decision). Accordingly, claim 12 is in condition for allowance.

The remaining independent claims recite similar (though not identical) language and have been rejected for similar reasons as claim 12. Hence, these remaining independent claims should be allowable for at least similar reasons as claim 12, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Also, some of the claims (including claims 18-19 and 23) have been amended to make typographical changes as detailed above.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (303-800-6678) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,
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Date October 7, 2009

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